

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATIESBURG DIVISION**

JARRETT MONT WILSON, #L7689

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:13-cv-22-KS-MTP

RONALD KING, ET AL.

DEFENDANTS

ORDER OF DISMISSAL WITHOUT PREJUDICE

This cause is before the Court, *sua sponte*, for consideration of dismissal. Plaintiff, an inmate of the Mississippi Department of Corrections (MDOC), filed this *pro se* complaint pursuant to 42 U.S.C. § 1983. On July 1, 2013, an Order [15] was entered directing Plaintiff to file a written response to provide specific information regarding his claims. Plaintiff was ordered to file his response on or before July 19, 2013. The Order warned Plaintiff that failure to timely comply with the requirements of the Order would lead to the dismissal of his complaint without further notice. Plaintiff failed to comply with this Order.

On August 6, 2013, an Order [17] was entered directing Plaintiff to show cause why this case should not be dismissed for his failure to comply with the Court's previous Order. Plaintiff was directed to comply with the Order by filing his written response on or before August 20, 2013. The Show Cause Order [17] warned Plaintiff that failure to timely comply with the requirements of the Order would lead to the dismissal of his complaint without further notice. Plaintiff failed to comply with this Order.

Since Plaintiff is proceeding *pro se*, he was provided one final opportunity to comply with the Court's Orders prior to the summary dismissal of this case. On September 4, 2013,

the Court entered a Final Order to Show Cause [18]. Plaintiff was directed to show cause, on or before September 19, 2013, why this case should not be dismissed for his failure to comply with the Court's prior Orders. In addition, Plaintiff was directed to comply with the previous Orders by filing his response on or before September 19, 2013. Consistent with the prior orders, the September 4, 2013 Order [18] warned Plaintiff that failure to timely comply with the requirements of the Order would lead to the dismissal of his complaint without further notice. Plaintiff has not complied with the Final Order to Show Cause [18].

Plaintiff has failed to comply with three Court Orders [15, 17 & 18], and he has not contacted the Court about this case since June 28, 2013. This Court has the authority to dismiss an action for failure to prosecute and failure to comply with court orders under Rule 41(b) of the Federal Rules of Civil Procedure and under its inherent authority to dismiss the action *sua sponte*. See *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Larson v. Scott*, 157 F.3d 1030 (5th Cir.1998); *McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988). The Court must be able to clear its calendars of cases that remain dormant because of the inaction or dilatoriness of the parties seeking relief, so as to achieve the orderly and expeditious disposition of cases. *Link*, 370 U.S. at 630. Such a "sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars" of the Court. *Id.* at 629-30.

The Court concludes that dismissal of this action is proper for Plaintiff's failure to prosecute and for failure to comply with the Orders [15, 17, & 18] of the Court under Rule 41(b) of the Federal Rules of Civil Procedure. See *Rice v. Doe*, 306 F. App'x 144, 146 (5th

Cir. 2009)(affirming dismissal based on inmate's failure to comply with a court order). Since the Defendant has not been called on to respond to Plaintiff's pleading, and the Court has not considered the merits of Plaintiff's claims, the Court's Order of Dismissal is without prejudice. *See Munday/Elkins Auto. Partners, Ltd. v. Smith*, 201 F. App'x 265, 267 (5th Cir. 2006).

A Final Judgment in accordance with this Order will be entered.

SO ORDERED AND ADJUDGED, this the 16th day of October, 2013.

s/ Keith Starrett
UNITED STATES DISTRICT JUDGE